

*Appl. No. 09/886,734  
Amendment dated July 29, 2004  
Reply to Office Action of March 29, 2004*

## **REMARKS**

### **Status of the Claims**

Claims 1-14 are pending in the application. Applicants hereby amend claims 1, 2, 7, 8, 9, 10, 11 and 12, and hereby add new claims 15-20. After entry of this paper, claims 1-20 will be pending for examination.

### **Amendments to the Claims**

Applicants have amended claims 1 and 2. Support for the amendments to claims 1 and 2 is found at least at page 3, lines 4-10 and page 7, lines 12-18. Accordingly, the amendments to claims 1 and 2 add no new matter.

Applicants have amended claims 7, 8, 9, 10, 11 and 12 to correct typographical errors and to provide further clarification. The amendments to claims 7, 8, 9, 10, 11 and 12 add no new matter.

Applicants have added new claims 15-20 to further define various aspects of the present invention. Support for claims 15-20 is found at least on page 2, lines 4-28, and thus no new matter has been introduced through inclusion of these claims.

### **Rejections Under 35 U.S.C. §102**

Claims 1, 2, 4 and 6 have been rejected under 35 USC 102(b) as being anticipated by US Patent No. 4,219,529 to Tersteeg et al ("Tersteeg").

Tersteeg discloses an apparatus for analyzing a fluid sample on a slide wherein the sample is incubated, analyzed and disposed. In the incubator, the slides are rotated 180°. Activation in the incubator is stopped to accept a slide and stopped to remove a slide from the incubator. The slides move through the apparatus in a single direction (including the rotation step within the incubator) to be heated, analyzed and disposed.

Claims 1 and 2 have been amended to recite the direction of the paths of movement of the sample plates toward and away from the analytic apparatus, namely that the first and second sample plates are moved in two directions that are opposite from each other. Such movement minimizes the time needed to transport and analyze a plurality of sample plates, each containing

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a plurality of samples to be analyzed, serially. The entry path to and the exit path from the analytical apparatus are vertically spaced apart from each other at least along a portion of their length to permit simultaneous movement of two sample plates while avoiding their colliding. The claims as amended define this plate movement. Applicants respectfully submit that claims 1 and 2 as well as all claims dependent therefrom are novel and non-obvious over Tersteeg because Tersteeg, taken alone or in proper combination with any of the secondary references cited in the Office Action, fails to teach or suggest an apparatus that can effect this sample plate movement.

*Rejections Under 35 U.S.C. §103*

Claims 7-12 were rejected under 35 U.S.C. §103 (a) as allegedly being obvious over Tersteeg in view of US Patent No. 5,736,102 to Seaton et al ("Seaton").

The Office Action asserts that it would be obvious to modify Tersteeg to make the slide transfer mechanism disclosed therein to move in a reverse direction. Seaton is advanced for teaching a test sample positioning system that uses a drive means to allow sample trays to move in forward and reverse directions. Tersteeg is discussed above. If Tersteeg were to incorporate a mechanism for reversing the movement of the sample from the analyzer, such movement of the plate away from the analyzer in accordance with the teachings of Tersteeg would result in a collision with an incoming second plate and thus undesirably stop the analysis of sample on a sample slide. Seaton discloses a sample testing machine where a sample tray containing a plurality of samples is moved on a base pan in a direction to form a closed rectangular path to a plurality of sample treating stations. There is no disclosure or suggestion in Seaton of an apparatus for moving a plurality of sample trays in opposite directions at different vertical heights. Applicants respectfully submit that Seaton does not provide the teaching missing in Tersteeg, and thus dependent claims 7-12 are novel and non-obvious over the cited prior art.

Claims 13 and 14 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Tersteeg in view of US Patent No. 6,111,251 to Hillenkamp ("Hillenkamp"). The Office Action asserts that it would be obvious to modify Tersteeg et al by incorporating a MALDI mass spectrometer. Tersteeg is discussed above. Hillenkamp describes MALDI mass spectrometry, with emphasis on the MALDI ionization process. Hillenkamp does not describe nor suggest Applicants' sample transfer apparatus or process for sample plate movement discussed above.

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Applicants thus respectfully submit that Hillenkamp does not supply the deficiencies of Tersteeg, and thus claims 13 and 14 are novel and non-obvious over the cited art.


CONCLUSION

In view of above, it is believed that all presently pending claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone call would serve to clarify issues or expedite the prosecution of this case, the Examiner is invited to call the undersigned at (508) 383-7406.

Applicants believe no additional fee beyond the petition for extension of time is due with respect to this Amendment and Response. However, if any additional fee is due, please charge our Deposit Account No. 50-1191, under Case No. SYP-166, from which the undersigned is authorized to draw.

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Respectfully submitted,



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